



**DEPARTMENT OF CORRECTIONS  
MONTANA STATE PRISON  
OPERATIONAL PROCEDURE**

Procedure No.: MSP 3.3.100	Subject: <b>EARNED PRIVILEGES PROGRAM</b>
Reference: DOC Policy No. 3.3.1	Page 1 of 4 and three attachments
Effective Date: January 19, 2009	Revised 8-6-2013
Signature / Title: /s/ Leroy Kirkegard / Warden	

## **I. PURPOSE**

To enhance security and reinforce positive changes in inmates Montana State Prison may implement a comprehensive inmate management system in selected housing units that provides increased privileges for good conduct, work, and compliance with programming and locked housing unit plans.

## **II. DEFINITIONS**

Clear conduct – no major rule infractions for a specified period of time.

Compliant – the inmate is waiting for an opening in a treatment program/group, has completed a treatment program/group (including New Freedom) and is on the waiting list for the next opening but has not started/attended because no openings are available.

Acceptable Levels – improved behavior and a reduction in the number of accrued writeups.

Lesser Degree Major Rule Violation – a non-mandatory PHC major rule infraction.

Locked Housing Unit Plan – an internal individual plan to help an inmate progress through locked housing, outlining the goals and objectives regarding his behavior.

## **III. PROCEDURES**

**A.** All inmate privileges are subject to being included in the Earned Privileges Program (EPP).

### **B. EPP Levels:**

1. Inmates who do not receive a disciplinary write-up for the first five days they are in detention status may receive one facility approved publication for reading material. If the inmate gets a write up after he earns the privilege of having a publication he will lose it for the remainder of his detention time.
2. For locked housing inmates, earned privileges are grouped into ten levels as outlined on *Tables 1, 2, and 3 on attachment A.*
  - a. Levels A, B, C, and D apply to inmates in Restricted Administrative Segregation (RAS).
    - 1) Level A is a minimum of 30 days in duration.
    - 2) Level B is 60 days in duration.
    - 3) Level C is 90 days in duration.
    - 4) The duration of level D is determined by the length of stay in RAS.
  - b. Levels zero, one, and two apply to inmates in Administrative Segregation. Levels zero and one are 30 days in duration, and the duration of level two is determined by the length of stay in Administrative Segregation.

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- c. Levels three, four, and five apply to inmates in Max Custody. Levels three and four are 90 days in duration, and the duration of level five is determined by the length of stay in Max custody.

### **C. Progression within EPP Levels**

1. Restricted Administrative Segregation (RAS)
  - a. Each inmate entering RAS will start at level B.
  - b. To progress to from level B to level C, an inmate must remain free of major rule violations for 60 consecutive days and be actively participating in his prescribed programming.
  - c. To progress from level C to level D, an inmate must be free of major rule violations for another 90 consecutive days and successfully complete his prescribed programming.
  - d. The release process from RAS will begin at level D, therefore an inmate at level D must remain free of major rule violations for the remainder of the determined length of stay on RAS before being released from RAS.
  - e. An inmate on RAS status will be reduced to level A if he receives any disciplinary rule infraction listed in *MSP 3.4.1, Inmate Discipline* that requires mandatory pre-hearing confinement. An inmate on level A must remain free of major rule violations for at least 30 consecutive days to progress to level B.
2. Administrative Segregation
  - a. Each inmate entering Administrative Segregation will start at level zero.
  - b. To progress to level one an inmate in level zero must achieve 30 consecutive days of clear conduct and be compliant with treatment.
  - c. To progress to level two an inmate in level one must achieve 30 more consecutive days clear conduct and be compliant with treatment.
  - d. Level two is the highest privilege level for inmates in Administrative Segregation.
3. Max Custody
  - a. Each inmate will start at the level according to his Locked Housing Unit Plan.
  - b. To progress to the next level (4 or 5) an inmate must maintain clear conduct and be compliant with his treatment needs.
  - c. To progress to the next level (5) an inmate must maintain clear conduct and have completed all required treatment per his Locked Housing Unit Plan.
  - d. Level five is the highest privilege level for inmates in Max custody.

### **D. Reductions in EPP Levels**

1. If an inmate receives one major disciplinary infraction report, he loses his clear conduct and will revert back to the beginning of his current level. He will start at day one in re-earning the clear conduct necessary to advance a level.
2. An inmate will be immediately reduced one level for any of the following:
  - a. Receiving two or more major disciplinary infraction reports while on his current level.
  - b. Documented refusal to participate in recommended treatment programs.
3. An inmate will be immediately reduced to the starting level for their custody for receiving:

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- a. Any disciplinary rule infraction listed in *MSP 3.4.1, Inmate Discipline* that requires mandatory pre hearing confinement.
  - b. A disciplinary rule infraction for *4210 (destroying facility property)*.
4. If the infraction is reduced to a minor level infraction, or the inmate is found not guilty at the disciplinary hearing, or by appeal, he will be reinstated to his prior EPP status.
5. Disciplinary sanctions will be enforced separately from EPP level reductions.
6. If an inmate is sent back a level, he will not be allowed to keep any items in his possession that aren't allowed at the reduced EPP level. The items must be mailed out at the inmate's expense within 15 days from the conclusion of the hearing and appeal process. After 15 days the items will be considered contraband and will be disposed of as outlined in *MSP 3.1.17B, Contraband Control*. This includes:
  - a. The property items a locked housing inmate is no longer allowed when he goes from the locked housing level 4 & 5 property list items to the level 3 property list items, and from the level 3 property list items to the level 2 property list items. Refer to the current property list attached to *MSP 4.1.3, Inmate Personal Property* to determine the exact items.
  - b. The hobby items a close custody inmate was allowed with the hobby permit he had at his former level.

**E. Monitoring of EPP Levels**

1. The housing Unit Manager from each unit that utilizes the EPP program will designate unit staff to maintain and update each inmate's current EPP level utilizing the *EPP Tracking Form (attachment B)*. The current/updated form must be available to all staff assigned to the unit.
2. For quick reference, unit staff may develop a modified count sheet showing the current EPP level of each inmate in the unit.
3. Whenever an inmate's level is changed, unit staff will notify the inmate of the change utilizing attachment A. If an inmate believes his EPP level is in error, he must send an OSR to the Unit Manager or Case Manager (or designees) requesting a review of his EPP level.

**F. Locked Housing Unit Behavior Incentive Plan (BIP)**

1. Housing unit staff may place an inmate on a BIP by completing an *MSP Locked Housing Unit Inmate Behavior Incentive Plan Form (see attachment C)* when there is documentation that the inmate has continued to engage in disruptive and/or assaultive behavior after the utilization of other means of behavior modification (disciplinary sanctions, Behavior Management Plans, counseling, etc.). The MSP Administrative Review Committee process must be utilized to approve an inmate for a BIP.
2. The purpose of a BIP is to instill a desire in the inmate to stop his disruptive and/or assaultive behavior, follow the rules, and return to his appropriate custody level.
3. The BIP allows for the return of normal privilege(s), and the suspension of blocks of accrued detention time, for improvements the inmate makes in stopping his disruptive and/or assaultive behavior and following institutional rules. At the same time there are immediate consequences if the inmate returns to engaging in disruptive and/or assaultive behavior and/or fails to follow institutional rules.
4. An inmate can successfully complete a BIP in a few months if he complies with the plan.

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5. Inmates who successfully complete their BIP will return to their appropriate custody and privileges.

**G. Implementation**

Inmates new to the EPP will start at the lowest level consistent with their custody/placement.

**IV. CLOSING**

Questions concerning this operational procedure will be directed to the Associate Warden of Housing.

**V. ATTACHMENTS**

Earned Privilege Level Tables

attachment A

EPP Tracking Form

attachment B

MSP Locked Housing Unit Inmate Behavior Incentive Plan form

attachment C

## MSP EARNED PRIVILEGE LEVEL TABLES

TABLE #1 – Restricted Administrative Segregation								
Level	Phone Calls	TV	Food Sales	Canteen	Cell Study	Hobby	Visiting	Dayroom
<b>A</b> 30 days	Not available	Not available	Not available	Detention level canteen	Not available	Not available	Not available	Not available
<b>B</b> 60 days	Not available	Needs 20 days clear conduct on the block. A write up will result in loss of TV for 90 days	Not available	\$10 limit (hygiene items only)	Unpaid cell study/programming	Not available	Not available	Not available
<b>C</b> 90 days	1 call / month	A write up will result in loss of TV for 60 days	Not available	\$10 limit	Unpaid cell study/programming	Not available	Not available	Not available
<b>D</b>	1 call / month	A write up will result in loss of TV for 30 days	May participate	\$15 limit	Unpaid cell study/programming	Max art permit	1 / month	Not available

TABLE #2 - Administrative Segregation								
Level	Phone Calls	TV	Food Sales	Canteen	Cell Study	Hobby	Visiting	Dayroom
<b>Zero</b> 30 days	1 call / month. Must have 30 days clear conduct	Needs 20 days clear conduct on the block. A write up will result in loss of TV for 60 days	Not available	\$10 limit (hygiene items only)	Not available	Max Level Art	Not available	Not available
<b>One</b> 30 days	2 calls / month	A write up will result in loss of TV for 40 days	Not available	\$15 limit	May participate	Max Level Art	1 every other wk.	Not available
<b>Two</b>	3 calls / month	A write up will result in loss of TV for 20 days	May participate	\$20 limit	May participate	Max art permit.	1 / week	Not available

**Inmates in Administrative Segregation for a violent offense must also complete cell study Anger Management to advance to level two.**

TABLE #3 - Max Custody								
Level	Phone Calls	TV	Food Sales	Canteen	Cell Study	Hobby	Visiting	Dayroom
<b>Three</b> 90 days	4 / month	A write up will result in loss of the TV for 20days	May participate	\$25	May participate	Max art permit	2 / week	Not available
<b>Four</b> 90 days	No limit - during dayroom	A write up will result in loss of the TV for 20days	May participate	\$30 limit	May participate	Max art permit	2 / week	Per schedule
<b>Five</b>	No limit - during dayroom	A write up will result in loss of the TV for 20days	May participate	\$50 limit	May participate	Max art permit	2 / week	Per schedule

***By my signature below I acknowledge receipt of documentation concerning my assignment to level \_\_\_\_\_ in the earned privilege program on the date indicated below, and that I will advance to level \_\_\_\_\_ on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ if I am compliant with the requirements of that level.***

\_\_\_\_\_  
Inmate Signature

\_\_\_\_\_  
Unit Staff Signature

\_\_\_\_\_  
Date



## EARNED PRIVILEGE PROGRAM TRACKING FORM

[illegible]

## MSP LOCKED HOUSING UNIT INMATE BEHAVIOR INCENTIVE PLAN FORM

Inmate: \_\_\_\_\_

ID#: \_\_\_\_\_

Activation date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

The MSP Administrative Review Committee has authorized unit staff to place this inmate on a BIP because there is documentation that he has continued to engage in disruptive and/or assaultive behavior after the utilization of other means of behavior modification (disciplinary sanctions, Behavior Management Plan, counseling, etc.). The purpose of this BIP is to instill a desire in the inmate to stop his disruptive and/or assaultive behavior, follow the rules, and return to his appropriate custody level. The BIP allows for the return of normal privilege(s) and the suspension of blocks of accrued detention time for improvements the inmate makes in stopping his disruptive and/or assaultive behavior and following institutional rules. At the same time there are immediate consequences if the inmate fails to follow institutional rules and/or returns to engaging in disruptive and/or assaultive behavior.

The inmate can successfully complete this BIP and return to his appropriate custody and privileges in a few months if he complies with the plan.

When the inmate achieves 30 consecutive days of clear conduct 15 days of detention he owes will be suspended. If the inmate continues to maintain clear conduct for 30 more consecutive days, 30 additional days of detention he owes will be suspended.

1. The inmate will start at level one. If he achieves 10 consecutive days of clear conduct, he will advance to level 2.
2. If he achieves 10 more consecutive days of clear conduct at level 2, he will advance to level 3. When the inmate achieves level 3, he will be afforded the opportunity to enroll in a modified cell study program managed by education. If the inmate enrolls in and successfully completes the cell study program, all of his time on the incentive plan will count toward his two years on restricted ad seg or his regular ad seg time. If the inmate refuses to enroll, he won't lose his current status.
3. If he achieves 10 more consecutive days of clear conduct at level 3 he will advance to level 4, and will be given credit for 15 days of detention time that he owes because he has maintained clear conduct for 30 consecutive days.
4. If he achieves 10 more consecutive days of clear conduct at level 4, he will advance to level 5.
5. If he achieves 10 more consecutive days of clear conduct at level 5, he will advance to level 6.
6. If he achieves 10 more consecutive days of clear conduct at level 6, he will advance to level 7, and will be given credit for 30 more days of detention time that he owes, because he has maintained clear conduct for 60 consecutive days.
7. If he achieves 20 more consecutive days of clear conduct at level 7, he will advance to level 8.
8. If he achieves 20 more consecutive days of clear conduct at level 8, he will return to his appropriate custody and privileges.

If the inmate engages in disruptive and/or assaultive behavior while in a level (destroying property, assault, flooding, threatening staff, self harm, etc.), or has his BMP activated, he will revert back to the beginning of the plan with zero days of clear conduct. If he had been granted a suspension of his detention time, it will be revoked. Lesser degrees of major rule violations i.e. insolence will result in the loss of a level in the plan for each violation, at the time of the violation.

The Unit Sgt. for 1<sup>st</sup> or 2<sup>nd</sup> shift or Shift Commander for 3<sup>rd</sup> shift must approve level changes.

Signatures:

\_\_\_\_\_  
Unit Manager

\_\_\_\_\_  
Mental Health

\_\_\_\_\_  
Classification

\_\_\_\_\_  
AW Housing

\_\_\_\_\_  
Shift Commander

\_\_\_\_\_  
Unit Sgt.

\_\_\_\_\_  
Unit Sgt.

\_\_\_\_\_  
Unit Sgt.

\_\_\_\_\_  
Case Manager

\_\_\_\_\_

Inmate



Level and Privileges	Level Duration and Review Date	Was target behavior met? If not, attach copy of incident report / writeup to the plan.		Staff Signature Date and Time
		Yes	No	
<u>Level 1:</u> Locked unit hard cell, detention status property, no recreation and canteen.	10 days Date:    /    / Date:    /    / Date:    /    /			
<u>Level 2:</u> Locked unit hard cell, detention status property, detention level canteen; thermals, and no recreation.	10 days Date:    /    / Date:    /    / Date:    /    /			
<u>Level 3:</u> Locked unit hard cell, detention status property, thermals, ear plugs, cell study option and no recreation.	10 days Date:    /    / Date:    /    / Date:    /    /			
<u>Level 4:</u> Locked unit hard cell, detention status property, plus 3 library books, thermals, ear plugs, 2 newspapers, cell study option, and 2 days recreation within the 10 day period.	10 days Date:    /    / Date:    /    / Date:    /    /			
<u>Level 5:</u> Locked unit hard cell, detention status property, plus 3 library books, thermals, 3 magazines, ear plugs, 2 newspapers, cell study option, wrist watch, stocking cap and four days recreation within the 10 day period	10 days Date:    /    / Date:    /    / Date:    /    /			
<u>Level 6:</u> Locked unit hard cell, detention status property, plus 3 library books, thermals, 3 magazines, ear plugs, 2 newspapers, cell study option, wrist watch, stocking cap, personal photos, 5 personal books, and 8 days recreation within the 10 day period.	10 days Date:    /    / Date:    /    / Date:    /    /			
<u>Level 7:</u> Placement at previous custody level with normal property items except no TV.	20 days Date:    /    / Date:    /    / Date:    /    /			
<u>Level 8:</u> assignment to block they are classified to with normal property items, including a state issue loaner TV. Any additional security measures in place for the inmate will be reviewed and may be removed if security deems it appropriate.	20 days Date:    /    /			

**Plan for an inmate who has accrued a large amount of detention time:** Once the inmate has completed and been off the above plan for 30 days he will begin serving the remainder of his accrued detention time at a rate of five days per month on a designated block. If the inmate completes one year with clear conduct (no major write ups), up to 145 days of owed detention time will be eliminated from the balance that he owes. If the inmate still has a balance of owed detention time after the first year, and continues to maintain clear conduct for a second consecutive year, all remaining detention time he owes will be eliminated.

CC:        Main File   Mini File   Command Post

